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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,955	09/17/2002	Markus Schneider	AP9912	1133

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EXAMINER

RODRIGUEZ, PAMELA

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/089,955

Applicant(s)

SCHNEIDER ET AL.

Examiner

Pam Rodriguez

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-12 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-12, 14-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Amendment filed July 19, 2004 has been received and considered. In light of the new grounds of rejection presented below, a second non-final rejection has been issued.

Claim Rejections - 35 USC § 112

2. Claims 10-12 and 14-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 9 of Claim 10, the term "said controller" is indefinite. It is unclear which of the controllers previously referenced in the claim that applicant is referring to. Is the term referring to the controller of line 5 or the braking force controller of line 7?

Claims 11, 12, and 14-18 are rejected merely due to their dependency from Claim 10.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-12 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,857,754 to Fukami et al in view of U.S. Patent No. 6,584,397 to Tanaka et al.

Regarding Claims 10, 12, 14, and 15, Fukami et al. disclose a vehicle stabilizing device for setting or modifying brake pressures in the wheel brakes of a braking system with diagonally divided brake circuits (col. 6 line 31 et al) including a device VC for determining the presence of an understeering drive condition, a controller MA for calculating a desired vehicle speed or vehicle deceleration, and deriving therefrom a deceleration braking force in accordance with the understeering drive condition, a braking force controller PC for dispensing with a brake pressure buildup at a rear axle of the vehicle (note from col. 5 lines 6-38 that Fukami et al. dispense with a buildup at the rear wheels so that if the driver excessively brakes, front wheel braking may be further compensated) establishing a differential brake force in the wheel brakes of the front axle, wherein the differential brake force in the front axle wheel brakes is effective for correcting the understeering drive condition (see (col. 5 lines 27-31), in accordance with the deceleration control braking force.

However, Fukami et al do not disclose that the controller further includes means for determining a vehicle delay value as a function of the differential brake force in the wheel brakes of the front axle and the vehicle speed.

Tanaka et al are relied upon merely for their teachings of a vehicle stabilizing device for setting or modifying brake pressures in the wheel brakes of a braking system having a device 13 for determining the presence of an understeering drive condition, a

controller 22 for calculating a desired vehicle speed or vehicle deceleration, and deriving therefrom a deceleration braking force in accordance with the understeering drive condition, a braking force controller 32 establishing a differential brake force in the wheel brakes of the front axle, wherein the controller 32 further includes means for determining a vehicle delay value as a function of the differential brake force in the wheel brakes of the front axle and the vehicle speed (see Figure 7), and wherein the differential brake force in the front axle wheel brakes is effective for correcting the understeering drive condition, in accordance with the deceleration control braking force see col. 16 lines 20-30.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the braking force controller of Fukami et al with a means for determining a vehicle delay value as a function of the differential brake force in the wheel brakes of the front axle and the vehicle speed as taught by Tanaka et al in order to ensure that the slip which occurs in the wheels of the front axle is properly accounted for. This type of delay would provide better overall braking control to the vehicle.

Re claim 11, see col. 5 lines 6-38, note that oversteer is also correctable.

Re claim 16, see col. 16 line 45.

Re claim 17, see col. 14 lines 13-30.

Re claim 18, see col. 9 lines 1-5.

Response to Arguments

5. Applicant's arguments with respect to claims 10-18 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pam Rodriguez whose telephone number is 703-308-3657. The examiner can normally be reached on Mondays 6 am -4 pm and Tuesdays 6 am -12 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Pam Rodriguez
Primary Examiner
Art Unit 3683
9/21/04

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09/21/04